

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, JULY 11, 2006**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, July 11, 2006 in the City Hall Kiva at 5:10 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Jim Lane  
Council Members Betty Drake, Wayne Ecton, Robert Littlefield,  
Ron McCullagh, and Tony Nelssen

Also Present: City Manager Jan Dolan  
City Attorney Deborah Robberson  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** - Councilman Ecton

**INVOCATION** - None

**PRESENTATIONS/INFORMATION UPDATES** - None

**APPROVAL OF EXECUTIVE SESSION MINUTES**

January 24, 2006	April 4, 2006
February 21, 2006	April 25, 2006
March 7, 2006	May 2, 2006

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF THE EXECUTIVE SESSION MINUTES OF JANUARY 24, FEBRUARY 21, MARCH 7, APRIL 4, APRIL 25, AND MAY 2, 2006. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN NELSEN ABSTAINING.

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## PUBLIC COMMENT

**Jane Rau**, 8148 E Dale Ln, 85262, requested that Council consider historic preservation of Greasewood Flats due to its unique Western flavor.

## CONSENT AGENDA      ITEMS 1-35

ITEMS 23 AND 25 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION.

1.    **Agent Change and Acquisition of Control Request for Five Superpumper Locations**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change and Acquisition of Control for five existing locations.

**Locations:**

- 15550 N. Thompson Peak Parkway, Superpumper No. 12
- 23609 N. Scottsdale Road, Superpumper No. 11
- 15752 N. Frank Lloyd Wright Boulevard, Superpumper No. 6
- 8990 E. Shea Boulevard, Superpumper No. 4
- 8646 E. Frank Lloyd Wright Boulevard, Superpumper No. 5

**Reference:** 86-LL-2002#2

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

2.    **Phoenix Wine (Beer and Wine Bar) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a new series 7 (beer and wine bar) liquor license for an existing location currently operating with a series 10 (beer and wine store) liquor license.

**Location:** 10820 N. 71<sup>st</sup> Place

**Reference:** 36-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

3.    **Pita House (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a newly licensed location.

**Location:** 7210 E. First Avenue, Suite 16

**Reference:** 38-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

4.    **Ibiza Cafe (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.  
**Location:** 4400 N. Scottsdale Road, Suite 12

**Reference:** 39-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**5. Eddie Chan's Asian Bistro (Restaurant) Liquor License**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

**Location:** 20581 N. Hayden Road, Suite 115

**Reference:** 44-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**6. Mondrian Scottsdale (Hotel/Motel) Liquor License**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel) liquor license for an existing location.

**Location:** 7353 E. Indian School Road

**Reference:** 45-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**7. Waterfront Market (Restaurant) Liquor License**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) and a new series 12 (restaurant) liquor license for a new location.

**Location:** 7135 E. Camelback Road, Suite 195

**References:** 47-LL-2006; 48-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**8. La Madeleine Bakery & Cafe Agent Change (Restaurant) Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for a series 12 (restaurant) liquor license.

**Location:** 7014 E. Camelback Road, Suite 564

**Reference:** 49-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**9. Mimi's Cafe Agent Change Request**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for an existing restaurant.

**Location:** 8980 E. Shea Boulevard

**Reference:** 52-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**10. Kona Grill Agent Change (Restaurant) Liquor License**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent change for an existing series 12 (restaurant) liquor license.

**Location:** 7014 E. Camelback Road, Suite 559

**Reference:** 53-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**11. BS West Permanent Extension of Premises**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for the addition of a patio for an existing series 6 (bar) liquor license.

**Location:** 7125 E. Fifth Avenue, Suite 30

**Reference:** 17-EX-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Services and Administration, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**12. Outdoor Dining in the BS West Right-of-Way**

**Request:** Adopt Resolution No. 6927 authorizing Agreement No. 2006-097-COS with D.M.E. III, Ltd., an Arizona corporation dba BS West, to use approximately 315 square feet of the City of Scottsdale street right-of-way located at 7125 E. Fifth Avenue for outdoor dining in conjunction with the adjacent restaurant property.

**Location:** 7125 E. Fifth Avenue

**Related Policies, References:** Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**13. 104<sup>th</sup> Street and Bell Final Plat**

**Request:** Approve Final Plat for Phase 2 Plat A consisting of 118 lots on approximately 81 +/- acres located within a Master Planned Community near Thompson Peak Parkway and Bell Road.

**Location:** E. Bell Road and 104<sup>th</sup> Street

**Related Policies, References:**

- 9-PP-2004#2A
- Rezoning of the property 24-Z-1991
- Infrastructure and Environmental Design Master Plans 1-MP-2004
- Development Agreement No. 2004-026-COS, amended
- Preliminary Plat Approval 9-PP-2004
- Phase 1A Final Plat Approval 9-PP-2004#1A
- Phase 1B Final Plat Approval 9-PP-2004#1B
- Phase 1C Final Plat Approval 9-PP-2004#1C

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**14. Cattletrack Ranch Final Plat**

**Request:** Approve Final Plat for four residential lots on a 3.14 acre parcel.

**Location:** 6360 N. Cattletrack Road

**Reference:** 12-PP-2004

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**15. Rio Verde Estates Final Plat**

**Request:** Approve Final Plat for a 23-lot, single-family residential subdivision with amended development standards on a 50 +/- acre parcel.

**Location:** 13201 E. Rio Verde Drive

**Reference:** 23-PP-2004

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**16. Scottsdale Estates/Cactus Cove Final Plat**

**Request:** Approve Final Plat for an 11-lot development on a 6 +/- acre parcel.

**Location:** Northeast corner of E. Cactus Road and N. 90<sup>th</sup> Street

**Related Policies, References:** 13-PP-2005, Case 8-ZN-2005 rezoned the property from the R1-35 District to the R1-18 PRD District to allow this subdivision.

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**17. Baraca Estates Final Plat**

**Request:** Approve Final Plat for a 16-lot, single-family residential subdivision, with amended development standards.

**Location:** Northwest corner of N. Pima Road and E. Hawknest Road

**Reference:** 18-PP-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**18. Gold Dust Lot Split**

**Requests:**

1. Abandon the south 33-foot government land office (GLO) easement along the E. Gold Dust Avenue alignment.
2. Abandon the west 33-foot GLO easement along the N. 127<sup>th</sup> Street alignment.
3. Abandon the east 33-foot GLO easement at the approximate location of the N. 126<sup>th</sup> Place alignment.
4. Adopt Resolution No. 6911 vacating and abandoning public rights-of-way.

**Location:** 12655 E. Gold Dust Avenue

**Related Policies, References:** 1-AB-2006, 19-LD-2006, 1-HE-2006, 4-AB-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**19. Gold Dust Hardship Exemption**

**Requests:**

1. Approve a Hardship Exemption (HE) from the Environmentally Sensitive Lands Ordinance for a waiver of the 15-foot sideyard wall setback requirement.
2. Adopt Resolution No. 6920 affirming the Hardship Exemption.

**Location:** 12655 E. Gold Dust Avenue

**Reference:** 1-HE-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**20. Hardy-KPJS Abandonment**

**Requests:**

1. Abandon 30 feet of a 55-foot easement for highway purposes for a distance of 945 feet.
2. Adopt Resolution No. 6932 vacating and abandoning public rights-of-way.

**Location:** 11120 E. Carefree Way

**Related Policies, References:** 3-AB-2006, General Plan, Master Circulation Plan, Trails Plan

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**21. Rutherford Abandonment**

**Requests:**

1. Abandon the north 13-foot portion of the government land office (GLO) easement along the E. Turquoise Avenue alignment.
2. Abandon the west 33-foot GLO easement along the N. 127<sup>th</sup> Street alignment.
3. Abandon the east 33-foot GLO easement at the approximate location of the N. 126<sup>th</sup> Place alignment.
4. Adopt Resolution No. 6946 vacating and abandoning public rights-of-way.

**Location:** 12684 E. Turquoise Avenue

**Reference:** 4-AB-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**22. Sanchez Property Abandonment**

**Requests:**

1. Consider the abandonment of an existing roadway easement located on the west side of the property located at 7650 E. Cortez Street.
2. Adopt Resolution No. 6933 vacating and abandoning public rights-of-way.

**Location:** 7650 E. Cortez Street

**Reference:** 5-AB-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

**23. Neighborhood Enhancement Partnership Program Guidelines and Neighborhood Enhancement Commission Roles and Responsibilities**

ITEM 23 REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 10.

**24. Phase I Construction Services Contract for the McKellips Service Center Campus Public Safety and Maintenance Facilities, and Related Off-Campus Improvements**

**Request:** Authorize Construction Manager at Risk (CM@Risk) Construction Phase Services Contract No. 2006-110-COS with Sundt Construction, Inc., at the guaranteed maximum price of \$1,687,726 for the first phase of construction services for Police Operational Support and District One facilities and Fleet and Community Services Maintenance facilities at the McKellips Service Center; and for renovations for Police Communications at the District Two facility.

**Related Policies, References:**

- Council authorized Architectural Services Contract 2000-197-COS on May 14, 2001 for a Police Department master planning and site evaluation study.
- Council approved the Municipal Use Master Site Plan for a combined use campus at the McKellips Service Center site on April 5, 2004.
- The Development Review Board approved the site plan and elevations for the proposed Police Department facilities on May 6, 2004.
- Council authorized Architectural Services Contract No. 2005-029-COS with Durrant, and Architectural Services Contract No. 2005-030-COS with Larson Associates, architects for the design of the McKellips Service Center Campus facilities on March 22, 2005.
- On February 21, 2006, Council authorized CM@Risk Design Phase Service Contract No. 2006-003-COS with Sundt Construction, Inc.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**25. Construction Bid Award for New Sewer Line Installation**

ITEM 25 REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 11.

**26. Design-Build Services Contract Modification for Tournament Players Club Golf Clubhouse**

**Request:** Adopt Resolution No. 6948 authorizing amendment of Design-Build Services Contract No. 2005-052-COS with Regency Development, Inc., in an amount not to exceed \$830,000 for the design and construction of structural repairs and improvements to the golf clubhouse at the Tournament Players Club (TPC) of Scottsdale.

**Related Policies, References:**

- Council approved a Lease and Management Agreement with TPC/PGA Tour, Contract No. 850060 signed on December 10, 1984
- On May 3, 2005, Council authorized Design Services Contract No. 2005-052-COS with Regency Development for design and construction services for structural improvements at the TPC Clubhouse

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**27. Landscape Architectural Services Contract for Design of Grayhawk Community Park Phase I**

**Request:** Authorize Architectural Services Contract No. 2006-115-COS with Olsson Associates in the amount of \$445,438.03 for the design of Grayhawk Community Park – Phase I.

**Related Policies, References:** Council approved the Municipal Use Master Plan for the site on December 7, 1999 (5-MP-99).

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**28. Construction Bid Award for Vista del Camino Community Center Renovation**

**Request:** Authorize Construction Bid Award No. 06PB087 to AD Pro-Coat, LLC, the lowest responsive bidder, at their lump sum bid of \$3,114,041 for the renovation and expansion of the Vista del Camino Community Center.

**Related Policies, References:** On May 17, 2004, Council authorized Architectural Services Contract No. 2004-041-COS with OWP/P Architects for the design of the Vista del Camino renovation and expansion.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**29. Professional Services Contract for the Design of Vista del Camino/Yavapai Ball Field Improvements**

**Request:** Authorize Professional Services Contract No. 2006-094-COS with Carter Burgess, in the amount of \$180,379 for the design of the Vista del Camino/Yavapai Ball Field improvements.

**Related Policies, References:** The adopted FY 2005/06 Capital Improvement Project budget includes funding for the planning, design and construction of the Vista del Camino/Yavapai Ball Fields.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**30. Construction Services Contract for Citywide Concrete Repairs/Retrofit**

**Request:** Authorize Job Order Contracting Contract No. 2006-086-COS with Klondyke Inc., for construction services for the execution of citywide concrete repairs and retrofit.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**31. Architectural Services Contract for Scottsdale Center Performing Arts Renovation**

**Request:** Authorize Program Management Services Contract No. 2006-087-COS to ZHA-VMS to develop conceptual theater improvements and provide construction programming for the renovation of the Scottsdale Center for the Performing Arts.

**Related Policies, References:**

- City Council approved Architectural Services Contract No. 2004-030-COS with Douglas Architecture & Planning for preparation of construction documents for restroom and facility improvements at Scottsdale Center for the Performing Arts on May 4, 2004.
- City Council modified Douglas Architecture & Planning Services Contract No. 2004-030-COS to prepare construction for Scottsdale Center for Performing Arts renovation on June 21, 2005.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)



**32. Engineering Services Contract for Central Groundwater Treatment Facility Upgrades**

**Request:** Authorize Engineering Services Contract No. 2006-114-COS with Valentine Environmental Engineers LLC, in the amount of \$161,714.32 for the design of the Central Groundwater Treatment Facility upgrades.

**Related Policies, References:** On October 21, 2002 the City of Scottsdale signed the Amended Consent Decree, finalized/executed by the United States on June 5, 2003.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**33. Citizen Service Center at Papago Plaza Lease Extension**

**Request:** Adopt Resolution No. 6928 authorizing Amendment No. 2000-156-COS-A3 with the Malouf Trusts to provide a third extension of Lease Agreement No. 2000-156-COS for the lease of 1,262 square feet of office space for a Code Enforcement and Beat 3 Police Department neighborhood office at Papago Plaza, 7111 E. McDowell Road.

**Related Policies, References:**

- Resolution No. 5623 authorizing Lease Agreement No. 2000-156-COS was adopted September 18, 2000.
- Resolution No. 5909 authorizing a two-year extension of Lease Agreement No. 2000-156-COS was adopted September 4, 2001.

**Staff Contact(s):** Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov); Judy Register, Citizen and Neighborhood Resources General Manager, 480-312-2454, [jregister@scottsdaleaz.gov](mailto:jregister@scottsdaleaz.gov)

**34. Building Lease for the City's Vista del Camino Parks and Recreation Staff**

**Request:** Adopt Resolution No. 6951 authorizing Agreement No. 2006-118-COS with Del Rio @ Scottsdale, LLC to lease office space at 7607 E. McDowell Road in Scottsdale to be used as the Vista del Camino Community Center Parks and Recreation staff offices.

**Related Policies, References:** Article I, Section 3A of the City Charter gives the City authority to acquire property for any City purpose, in fee or lesser interest such as a lease.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov)

**35. Engineering Services Contract for Design of Miller Road Sewer Phase III**

**Request:** Authorize Engineering Services Contract No. 2006-095-COS with Brown and Caldwell, in the amount of \$590,686 for the design of the Miller Road Sewer Phase III, from McDowell Road to McKellips Road and the outfall sewer from the ASU Scottsdale (SkySong) site.

**Related Policies, References:** Water Resources Master Plan, approved by City Council on October 15, 2001

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov); David M. Mansfield, Water Resources General Manager, 480-312-5681, [dmansfield@scottsdaleaz.gov](mailto:dmansfield@scottsdaleaz.gov)

In response to a question from Vice Mayor Lane, Mr. Klingler verified the contract will accommodate sewer lines for the residential component of the SkySong development.

## **MOTION AND VOTE – CONSENT AGENDA**

VICE MAYOR LANE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 35, WITH THE EXCEPTION OF ITEMS 23 AND 25. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 23 REMOVED FROM CONSENT AGENDA:

**23. Neighborhood Enhancement Partnership Program Guidelines and Neighborhood Enhancement Commission Roles and Responsibilities**

**Request:** Approve the guidelines for the Neighborhood Enhancement Partnership program, and, consistent with Ordinance No. 2530, authorize the Neighborhood Enhancement Commission to review requests and make recommendations to City Council regarding requests to be funded.

**Related Policies, References:**

- Scottsdale Revised Code Sections 2-321 to 2-324
- Ordinance No. 2530
- Neighborhood Enhancement Partnership Program Guidelines, 2003
- Neighborhood Enhancement Partnership Program Guidelines, proposed 2006 revisions
- Action Plan – Neighborhood Enhancement Partnership Audit Report No. 0516

**Staff Contact(s):** Ed Gawf, Assistant City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov); Judy Register, General Manager Citizen and Neighborhood Resources Department, 480-312-2454, [jregister@scottsdaleaz.gov](mailto:jregister@scottsdaleaz.gov)

Mayor Manross opened public testimony.

**Michael Merrill**, 8713 E Vernon, 85257, expressed concern that the guidelines were revised with no public input, and requested the item be tabled until that input could occur. Mr. Merrill also expressed concern about how the funds are being spent.

Mayor Manross closed public testimony. Two additional comment cards were received from citizens sharing Mr. Merrill's concerns, but not wishing to speak.

John Schulz, Chairman of the Neighborhood Enhancement Commission (NEC), reviewed the process for revising the guidelines, including the public input process.

Council discussion:

- Staff explained that six public commission meetings were held, which provided opportunity for public input opportunities. Although no input was received by the public, applicants for funding did provide feedback on the process. The NEC Chairman said it has always been the role of the commissioners to make suggestions for guidelines.
- The NEC Chairman mentioned several ways that neighborhoods could become more involved in their communities, including GAIN (Getting Arizona Involved in Neighborhoods) nights, Blockwatches, registering as a neighborhood with Neighborhood Services, and reviewing City Websites for meeting notices.
- Staff reviewed other public outreach efforts such as water bill inserts, neighborhood guides, and library pamphlets.

- Councilmembers expressed regret that residents other than the commissioners weren't involved in the guideline revision process, and encouraged staff to look for more public outreach opportunities in the future.

## **MOTION AND VOTE – ITEM 23**

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 23, OPTION A. VICE MAYOR LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 25 REMOVED FROM CONSENT AGENDA:

### **25. Construction Bid Award for New Sewer Line Installation**

**Request:** Authorize Construction Bid Award No. 05PB106 to Pierson Construction, the lowest responsive bidder, at their unit price bid of \$918,362 for new sewer line installation in the vicinity of Pinnacle Peak Road and 81<sup>st</sup> Street.

**Related Policies, References:**

- Council approved the Water Resources Master Plan on October 15, 2001
- Scottsdale City Code, Section 49-212

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

City Attorney Robberson noted a correction has been made to the bid number for Item 25. The correct number is 06PB106.

Mayor Manross opened public testimony.

**Michael Truitt**, 23602 N 81<sup>st</sup> St, 85255, spoke in opposition to the sewer line installation and assessment, saying they are unacceptable and unnecessary. He believes there should be more study and more homeowner input. Mr. Truitt also said that he had felt threatened by the comments of a staff member.

**Eric Braun**, 23429 N 81<sup>st</sup> St, 85255, President, Pinnacle Peak I HOA, said the homeowners prefer not to have the sewer line installed in their neighborhood, but the Board has entered into a satisfactory agreement with the City. The agreement was received yesterday and has not been shared with all homeowners yet.

**Frank Schubert**, 23401 N 81<sup>st</sup> St, 85255, discussed his intention to build a new home, and the financial burden caused by the sewer line installation. After working with staff for over a year, Mr. Schubert is pleased with the resolution and believes the assessment is fair.

Mayor Manross closed public testimony. Two additional comment cards were received from citizens in favor of Item 25, but not wishing to speak.

Council/Staff discussion:

- In response to a question from Council, Assistant City Manager Roger Klingler clarified that the goal of the City ordinance is to connect homes having septic systems and properties being newly developed to the City sewer system when it comes within 660 feet of their property.
- Mr. Klingler said any urgency to bring the sewer line to this neighborhood is driven by Mr. Schubert and Mr. Godbehere. If the City did not do the project, these owners would either

have to extend the sewer line at their own considerable expense, or wait for an improvement district to be formed. Mr. Klingler also explained that increasing development and redevelopment activities in the area in question have created unusual circumstances; and extending the sewer line at this time will best serve both the City and residents.

- Staff stated that the assessment to twenty-two homeowners was originally between \$30,000 and \$40,000 per lot, but costs have been adjusted to about \$15,000 in most cases.
- There was concern from Council that as the sewer line is extended further, more and more property owners would be affected. Mr. Klingler agreed that was true, and that having more properties connected to the City's sewer line is the intent of the ordinance.
- Staff agreed the ordinance should be improved to better address redevelopment areas.

### **MOTION AND VOTE – ITEM 25**

VICE MAYOR LANE MOVED FOR APPROVAL OF ITEM 25, CONSTRUCTION BID AWARD NO. 06PB106. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN NELSEN DISSENTING.

## **REGULAR AGENDA      ITEMS 36-39**

### **36. Agreement for Sale of Planet Ranch**

**Request:** Adopt Resolution No. 6960 authorizing execution of Real Estate Purchase Agreement No. 2006-124-COS between the City of Scottsdale and Phelps Dodge Corporation for the sale of Planet Ranch, including all related water rights, farm infrastructure and equipment, and the conveyance to the City of certain Phelps Dodge water rights.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov); David M. Mansfield, Water Resources General Manager, 480-312-5681, [dmansfield@scottsdaleaz.gov](mailto:dmansfield@scottsdaleaz.gov)

Assistant City Manager Roger Klingler provided a presentation outlined as follows:

- Background Information
- Federal Interest
- Habitat Restoration
- Request For Offers
- Purchase Agreement: Major Terms
- Purchase Agreement: Water Rights to City
- Purchase Agreement: Conditions of Closing
- Purchase Agreement: Closing
- Planet Ranch: Cost of Continued Ownership
- Purchase Agreement: City Benefits

Mayor Manross opened public testimony.

**Bill Rech**, 1402 W Windward Ct, Phoenix, 85086, Phelps Dodge Corporation, said his company is enthusiastic about the possibilities at the ranch, and having the opportunity to work with State and Federal agencies to accomplish various environmental objectives.

**Jane Rau**, 8148 E Dale Ln, 85262, provided photos of the ranch taken in 1987 and discussed its history. Ms. Rau supports the sale of the ranch, saying that it has been a drain on the City.

Mayor Manross closed public testimony.

Council discussion:

- Councilmembers agreed the sale is a win-win solution, and that the water rights will be a significant asset.
- Councilman Nelssen asked if Scottsdale will be included in the naming of the wildlife conservation area as part of the contract for the sale of Planet Ranch. Assistant City Manager Klingler answered in the affirmative.

### **MOTION AND VOTE – ITEM 36**

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF ITEM 36 AND RESOLUTION NO. 6960. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

#### **37. Contract Modification for Design of Water System Booster Pump Station Improvements in the Downtown Area and Site Location**

##### **Requests:**

1. Review water booster pump station possible locations, including but not limited to, City-owned property located on the southeast corner of Marshall Way and Indian School Road, and land owned by Richard Funke located on the south side of Indian School Road, west of Marshall Way. Mr. Funke proposes a possible land trade with the City.
2. Adopt Resolution No. 6953 authorizing amendment of Engineering Services Contract 2005-012-COS with CSA Engineering, Inc., in the amount of \$572,000 for the design of a booster pump station and associated improvements.

##### **Related Policies, References:**

- On April 5, 2004, City Council authorized Engineering Services Contract Modification No. 2002-030A-COS with CSA Engineering, Inc., for the design of various waterline replacement projects for the year 2004, including an infrastructure revitalization study of the downtown water system.
- On February 8, 2005, City Council authorized Engineering Services Contract No. 2005-012-COS with CSA Engineering, Inc., for the design of water transmission mains in and around the downtown area as recommended by the study.
- On May 3, 2005, City Council authorized CM@Risk Pre-Construction Services Contract No. 2005-048-COS with Achen-Gardner Engineering, LLC.
- On July 5, 2005, City Council authorized CM@Risk Construction Services Contract No. 2005-106-COS with Achen-Gardner Engineering, LLC for the construction of water transmission mains to support the planned downtown revitalization.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov); David M. Mansfield, Water Resources General Manager, 480-312-5681, [dmansfield@scottsdaleaz.gov](mailto:dmansfield@scottsdaleaz.gov)

Mr. Klingler provided a presentation outlined as follows:

- Downtown Water Infrastructure Revitalization Plan
- Current Development in Zone 1A
- Downtown Revitalization New Water Transmission Lines

- Downtown Primary Booster Pump Station – Siting Considerations
- Downtown Primary Booster Pump Station – Site Alternatives Evaluated
- Horseshoe Falls Site
  - Critically need new primary downtown booster pump station
  - City-owned property
  - Immediate design and construction
  - Allows for future site development

Mayor Manross opened public testimony.

**Anne Gale**, 4015 N Marshall Way, 85250, pointed out her property, located south of the Horseshoe Falls property, on a staff project area map. Ms. Gale questioned a notation on the map regarding parking because it suggested that parking would be on her property.

Mr. Klingler clarified the notation was not intended to be part of the project, and that parking would only be needed for one vehicle.

**Richard Funke**, 4404 N 66<sup>th</sup> St, 85251, presented options for use of his property for the booster pump station, which he said would result in four hundred less feet of transmission lines, less cost, and less disruption to the area. He said he is open to any proposal regarding land trades, and the trade could be a simple arrangement.

**Darlene Petersen**, 7327 E Wilshire Dr, 85257, believes the Horseshoe Falls property could be put to better use than as a booster pump station, and believes using Mr. Funke's property would be a win-win situation.

Mayor Manross closed public testimony. Three additional comment cards were received from citizens in support of Mr. Funke's proposal, but not wishing to speak.

Council/Staff discussion:

- Staff stated that because the City already owns the Horseshoe Falls site, the often lengthy negotiations and associated cost of purchasing another property can be avoided.
- Staff reviewed timing issues related to several high-rise buildings coming on-line in the near future, which will increase water demand.
- A suggestion was made to abandon Little Marshall Way and move the building further back on the site. Staff agreed to look at that option.
- Discussions were held regarding opportunities for retail, or other possibilities on the remaining portion of the Falls site, as well as parking options.
- Vice Mayor Lane said he does not believe the booster pump station is the best use of the property; however, since timing is an issue, he supports using the Horseshoe Falls site.

### **MOTION AND VOTE – ITEM 37**

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF ITEM 37, OPTION A, AND RESOLUTION NO. 6953. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

**38. Salty Seniorita Conditional Use Permit and Amended License Agreement**

**Requests:**

1. Approve a Conditional Use Permit for a bar in an existing building located at 3636 N. Scottsdale Road with Downtown/Office Commercial District, Downtown Overlay (D/OC DO) zoning.
2. Adopt Resolution No. 6936 affirming the Conditional Use Permit.
3. Adopt Resolution No. 6913 authorizing Agreement No. 2005-003-COS-A1 with Salty Seniorita Scottsdale, LLC, an Arizona limited liability company, amending the existing outdoor dining agreement in order to clarify the permitted uses.

**Location:** 3636 N. Scottsdale Road

**Related Policies, References:**

- Zoning Ordinance; Downtown Plan
- Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including licenses, directly to adjoining property owners.
- Resolution No. 6579 authorizing Agreement No. 2005-003-COS with Salty Seniorita Scottsdale, LLC, an Arizona limited liability company, to use approximately 800 square feet of the City of Scottsdale street right-of-way at 3636 N. Scottsdale Road for outdoor dining at the adjacent restaurant property.

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Randy Grant, Chief Planning Officer, provided a presentation outlined as follows:

- Request for Conditional Use Permit for a Bar Use
- Review of Criteria
- Impact Analysis
  - Traffic
  - Parking
  - Police
  - Code Enforcement
- State Series 6 Licenses in Downtown
- Specific CUP Analysis
- Planning Commission recommends approval subject to stipulations

Nicholas Gutilla, attorney for the applicant, noted the location has had a full-service restaurant since 1995, and Salty Seniorita has been operating since December 2003. After a change to the menu, the restaurant is up to 38% in food sales at this time, and has had no issues related to liquor.

Mayor Manross opened public testimony.

**Stacey Gaus**, Williams and Associates, 2901 N Central, Phoenix, 85012, spoke on behalf of Salty Seniorita, saying it has operated as a restaurant and will continue to do so, whether it operates under a Series 6 or a Series 12 license. Ms. Gaus also pointed out that two well-respected Scottsdale restaurants, Don and Charlie's and the Pink Pony, operate with Series 6 licenses.

Mayor Manross closed public testimony.

Council discussion:

- Councilmembers agreed the applicant is a good neighbor, has addressed all the use permit criteria, and that the case shows the value of the City's conditional use permit process.
- It was pointed out that many e-mails were received in support of the use permit, and no letters of complaint.

**MOTION AND VOTE – ITEM 38**

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 38, RESOLUTION NO. 6936 AND RESOLUTION 6913, INCLUDING STIPULATIONS. VICE MAYOR LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

**39. Salty Senorita (Bar) Liquor License**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing location.

**Location:** 3636 N. Scottsdale Road

**Reference:** 2-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

**MOTION AND VOTE – ITEM 39**

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF ITEM 39, 2-LL-2006. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

**MAYOR AND COUNCIL**      **ITEM 40**

**40. Resolutions for Submittal to the League of Arizona Cities and Towns**

**Request:** Consider the approval of resolutions relating to State legislative issues to be submitted to the League of Arizona Cities and Towns for consideration by the League's Resolutions Committee.

**Staff Contact(s):** Neal Shearer, Assistant City Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov); Bridget Schwartz Manock, Government Relations Director, 480-312-2423, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov)

Government Relations Director Bridget Schwartz Manock provided a presentation and requested Council direction on the following proposed resolutions:

- **Resolution Idea #1 – Cap signature requirements for those running for City Council**  
After discussion, Councilmembers expressed support for the resolution.
- **Resolution Idea #2 – Require all elections be conducted by mail**  
After discussion, a majority of Councilmembers felt the item would be redundant since voters may decide the issue in November.



- **Resolution Idea #3 – Require the State to give greater consideration to City recommendations on proposed liquor licenses**

After discussion, Councilmembers supported the resolution.

- **Resolution Idea #4 – Grant cities authority to conduct food sales audits of restaurant liquor licenses**

A majority of Councilmembers agreed that authority should remain with the State, but believe there should be more communication between the State and the City. There was also general consensus that the State should seek funding to hire more auditors on a permanent basis.

- **Resolution Idea #5 – Exempt cities from paying attorneys fees for code enforcement prosecutions in civil matters**

After discussion, Councilmembers agreed to be a co-sponsor with Tucson, who has already drafted a resolution.

#### **PUBLIC COMMENT**

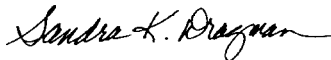
**Patty Badenoch**, 5027 N 71<sup>st</sup> Pl, 85253, spoke about the deteriorating infrastructure in her neighborhood and showed a section of water pipe taken from her yard.

#### **CITY MANAGER'S REPORT - None**

#### **ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:50 P.M.

#### **SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

#### **REVIEWED BY:**



**Carolyn Jagger**  
City Clerk

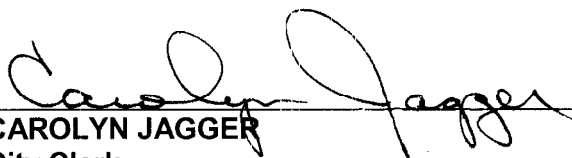
Officially approved by the City Council on August 8, 2006

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 11th day of July 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 8th day of August 2006.

  
A handwritten signature in cursive script, reading "Carolyn Jagger", is written over a horizontal line. Below the line, the name "CAROLYN JAGGER" is printed in all caps, followed by "City Clerk" on the next line.

CAROLYN JAGGER  
City Clerk

**Jagger, Carolyn**

**From:** John Aleo [jsaleo@qwest.net]  
**Sent:** Friday, July 07, 2006 8:41 AM  
**To:** City Council; Dolan, Jan; Gray, Frank; Jagger, Carolyn; Robberson, Deborah  
**Cc:** Carolyn Allen; Terry Goddard; James Savoca; Stuart.Lane@co.mohave.az.us  
**Subject:** Item #18 4-AB-2006 To be inserted into the public record/minutes of CC meeting

This is another abuse of the privileges granted to the affected patentees and subsequent owners by the US Government in the area in regards to private access and property rights passed through the deed perpetually. It appears that the local governing body issued building permits to erect at least a swimming pool and part of the main building onto the GLO Patent Easement which may cause a material defect to affected deeds/titles. In addition, the current status of the subject property may cause future liability for owner of subject property, and the potential of mortgage fraud. Whether or not the local governing body revokes its interest in said easements will not solve the problem created by erecting permanent structures onto said easement. Case law has required those that have blocked, impeded, or interfered with GLO Patent Easements to remove all objects on said easements and open said route.

The local governing body only has the right to revoke their interest and no one else's which would leave other interests to prevail.

The subject property owner should be made aware of the potential liability caused by permanent structures being erected onto said easements and that potential liabilities should be disclosed to any future owner of subject property.

Unfortunately, there is no solution for this property owner. However, the local governing body should use this example and others to avoid creating the same problem for other property owners who may have a GLO Patent Easement traversing their property. In the future, the remedy is to require all encumbrances including GLO Patent Easements to be specifically shown on all plats of survey submitted to the local governing body, and instruct employees of local governing body not to issue building permits to erect permanent structures onto said easements. To adopt a policy like this would be good government.

John S. Aleo  
 CRB CRS GRI

**JOHN ALEO REALTOR®**

Since 1965  
 480.502.9500  
 602.643.7290 Cell

Please note my new email address: jsaleo@qwest.net

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7/10/2006

**Jagger, Carolyn**

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**From:** John Aleo [jsaleo@qwest.net]  
**Sent:** Saturday, July 08, 2006 4:25 PM  
**To:** City Council; Dolan, Jan; Gray, Frank; Jagger, Carolyn; Robberson, Deborah  
**Cc:** Carolyn Allen; Terry Goddard; James Savoca; Stuart.Lane@co.mohave.az.us  
**Subject:** CC Mtg 7-11-06 Item#21 4-AB-2006 (Corrected item)

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*Please note my new email address: jsaleo@qwest.net*

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7/10/2006